

² The Board notes that, following the June 21, 2021 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On April 28, 2021 appellant, then a 50-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on April 22, 2021 she sprained her left ankle when getting a springer to unload her LLV while in the performance of duty. She did not immediately stop work.

In a separate undated statement, appellant reported returning to the office after delivering her mail route. She went to retrieve a springer from the building, when she turned her ankle causing it to pop and give out. Appellant was assisted by a coworker and reported her injury to management.

On April 23, 2021 appellant was treated in the emergency department by Dr. Neeraj Soni, Board-certified in emergency medicine, for a right ankle injury. Dr. Soni indicated that her ability to work on her feet was limited due to pain and potential need for crutches. He noted that further follow up with an orthopedist might be required.

On April 28, 2021 the employing establishment controverted appellant's claim, asserting that she had not established that the incident occurred as alleged and that there was insufficient evidence to establish a diagnosed condition causally related to an injury or event.³

In a development letter dated May 17, 2021, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 30 days to submit the necessary evidence.

By decision dated June 21, 2021, OWCP denied appellant's traumatic injury claim, finding that she had not submitted medical evidence containing a medical diagnosis in connection with her accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁴ has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation period of FECA,⁵ that an injury was sustained in the performance of duty as alleged,

³ The employing establishment provided a statement from S.M. and K.K. dated April 23, 2021, which related that on April 22, 2021 appellant returned from her mail route limping. Appellant reported that she had caught her foot on a parcel cart and heard a "pop" in her right ankle. S.M. and K.K. noted that appellant did not want to file an accident report at that time because she had to attend a track meet that afternoon. On April 23, 2021 appellant reported an injury to C.G. at 11:35 a.m.

⁴ *Supra* note 1.

⁵ *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁶ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁷

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred.⁸ The second component is whether the employment incident caused a personal injury.⁹

Rationalized medical opinion evidence is required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident.¹⁰ Neither the mere fact that, a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹¹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition causally related to the accepted April 22, 2021 employment incident.

On April 23, 2021 Dr. Soni treated appellant for a right ankle injury. He indicated that her ability to work on her feet was limited due to pain and potential need for crutches. The Board has held that a medical report lacking a firm diagnosis or a rationalized medical opinion regarding causal relationship is of no probative value.¹² Therefore, this report, is insufficient to establish appellant's claim.

⁶ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁷ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁸ *T.M.*, Docket No. 19-0380 (issued June 26, 2019); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁹ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

¹⁰ *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

¹¹ *J.L.*, Docket No. 18-1804 (issued April 12, 2019).

¹² *L.P.*, Docket No. 19-1812 (issued April 16, 2020); *P.C.*, Docket No. 18-0167 (issued May 7, 2019).

The Board finds that appellant has not submitted rationalized, probative medical evidence sufficient to establish a diagnosed medical condition in connection with her April 22, 2021 employment incident.¹³ Appellant, therefore, has not met her burden of proof.

On appeal appellant asserts that she provided emergency room records from Dr. Soni that provide a diagnosis of ankle and ligament sprain and accompanying x-rays in support of her claim. The Board notes that this evidence was not in the record at the time of OWCP decision dated June 21, 2021.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition causally related to the accepted April 22, 2021 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the June 21, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 4, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

¹³ See *T.J.*, Docket No. 18-1500 (issued May 1, 2019); see *D.S.*, Docket No. 18-0061 (issued May 29, 2018).